Republic of the Philippines
SUPREME COURT
Manila

SECOND DIVISION

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G.R. No. 117267-117310 August 22, 1996

GENEROSO N. SUBAYCO, ALFREDO T. ALCALDE, and ELEUTERIO O. IBAÑEZ, petitioners,
vs.
SANDIGANBAYAN and PEOPLE OF THE PHILIPPINES, respondents.

PUNO, *J.*:

The year was 1985, the month, September. The Marcos government was fast sliding into its sunset days. Yet, it was again set to celebrate with pomp, September 21, the day it proclaimed martial law some thirteen (13) years ago. The people, however, were not in the mood to be joyous. They planned massive public protests in different parts of the country. One of the biggest protest rallies was blueprinted as a *Welga ng Bayan* at Escalante, Negros Occidental. It ended in tragedy which will not easily recede in the mist of our history. Twenty (20) demonstrators were shot dead and twenty-four (24) others were wounded by the military and para-military forces of the Marcos government. Of several persons charged with various counts of murder and frustrated murder, only three (3) were convicted — Generoso N. Subayco, Alfredo T. Alcalde and Eleuterio O. Ibañez were convicted by the respondent *Sandiganbayan*. They now come to this Court insisting on their innocence and pleading to be set free. We deny their petition and we warn our military and police authorities that they cannot shoot people who are exercising their right to peacefully assemble and petition the government for redress of grievance. [1]

As aforestated, twenty (20) demonstrators were killed and twenty-four (24) others were seriously wounded by gunshots during the *Welga ng Bayan* held on September 20, 1985 at Escalante, Negros Occidental. Twenty (20) counts of Murder and twenty-four (24) counts of Frustrated Murder [2] were filed with respondent *Sandiganbayan* against those allegedly responsible for the death and injuries of the victims. Charged were several civilian government officials, personnel from the Philippine Constabulary and the Integrated National Police, and from the para-military group Civilian Home Defense Force (CHDF), namely:

1. Ex-Mayor Braulio P. Lumayno,
2. Ex-Governor Armando C. Gustilo, [3]
3. Danilo "Nonoy" Jimenez,
4. Capt. Modesto E. Sanson, Jr.,
5. C1C Alfredo T. Alcalde,
6. C1C Eleuterio O. Ibañez,
7. C2C Rufino L. Lerado,
8. C2C Carlos L. Santiago,
9. T/Sgt. Generoso N. Subayco,
10. S/Sgt. Quirino L. Amar,
11. Sgt. Rolando A. Braña,
12. P/Capt. Rafael C. Jugan,
13. P/Pfc. Mariano C. Juarez, Jr.,
14. P/Pfc. Alfonso Birao,
15. P/Pfc. Wilfredo Carreon,
16. P/Pfc. Rogelio Peña,
17. P/Pfc. Iluminado D. Guillen,
18. Pat. Ludovico Cajurao,

19. Pat. Luisito T. Magalona,
20. Pat. Alex Francisco M. Liguaton,
21. Pat. Porfirio Q. Sypongco,
22. Pat. Prudencio M. Panagsagan,
23. Pat. Danilo P. Antones,
24. Pat. Elmer Sinadjan,
25. Pat. Grant L. Batomalaque,
26. Pat. Lino F. Mercado,
27. F/Cpl. Casimiro Pandongan,
28. Fmn. Gene Legaspina,
29. Fmn. Giomar D. Gale,
30. Fmn. Edwin T. Gustilo,
31. Fmn. Joel B. Rosal,
32. Chdf Teddy Magtubo,
33. Chdf Elias Torias,
34. Chdf Jose "Boy" Parcon,
35. Chdf Jeremias Villanueva,
36. Chdf Dante P. Diaz,
37. Chdf Amador O. Villa,
38. Chdf Antonio A. Cañete,
39. Chdf Jimmy Mayordomo,
40. Chdf Jerry L. Espinosa,
41. Chdf Francisco A. Morante,
42. Chdf Bernie C. Muñoz,
43. Chdf Ernesto V. Olaera,
44. Chdf Dione L. Sesbreno, and
45. Chdf Alfredo A. Quinatagcan *alias* Pidong Bagis.

All of the accused were part of the police-military group which undertook the dispersal operation during the rally.

Only twenty-eight (28) of the above accused were arrested and tried as the others remained at large. The twenty-eight (28) were all members of the Philippine Constabulary and the Integrated National Police, *viz*.:

1. Modesto Sanson,
2. Alfredo Alcalde,
3. Eleuterio Ibañez,
4. Rufino Lerado,
5. Carlos Santiago,
6. Generoso Subayco,
7. Quirino Amar,
8. Rolando Braña,
9. Rafael Jugan,
10. Mariano Juarez,
11. Alfonso Birao,
12. Wilfredo Carreon
13. Rogelio Peña,
14. Iluminado Guillen,
15. Ludovico Cajurao,
16. Luisito Magalona,
17. Alex Francisco Liguaton,
18. Porfirio Sypongco,

19. Prudencio Panagsagan,
20. Danilo Antones,
21. Elmer Sinadjan,
22. Grant Batomalaque,
23. Casimiro Pandongan,
24. Gene Legaspina,
25. Socrates Jarina,
26. Giomar Gale,
27. Edwin Gustilo, and
28. Joel Rosal.

Upon conclusion of the trial, respondent court acquitted all the accused except petitioners Alfredo Alcalde, Eleuterio Ibañez and Generoso Subayco. The dispositive portion of the Decision held:

> WHEREFORE, for all the foregoing, the Court finds the evidence against the following accused to be insufficient to establish their liability in the instant charges and therefore *ACQUITS* them in all the herein cases:
>
> 1. Modesto Sanson
> 2. Rufino Leado
> 3. Carlos Santiago
> 4. Quirino Amar
> 5. Rolando Braña
> 6. Rafael Jugan
> 7. Mariano Juarez
> 8. Alfonso Birao
> 9. Wilfredo Carreon
> 10. Rogelio Peña
> 11. Iluminado Guillen
> 12. Ludivico Cajurao
> 13. Luisito Magalona
> 14. Alex Franscisco Liguaton
> 15. Porfirio Sypongco
> 16. Prudencio Panagsagan
> 17. Danilo Antones
> 18. Elmer Sinadjan
> 19. Grant Batomalaque
> 20. Casimiro Pandongan
> 21. Gene Legaspina
> 22. Socrates Jarina
> 23. Giomar Gale
> 24. Edwin Gustilo
> 25. Joel Rosal, and
> 26. Francisco Morante.
>
> The same evidence, however, has established the guilt beyond reasonable doubt of the following accused who stood trial:
>
> 1. Alfredo Alcalde
> 2. Aleuterio Ibañez, and
> 3. Generoso Subayco

and the Court hereby renders judgment CONVICTING them and imposing upon them the corresponding penalties, to wit:

A. *FOR MURDER* in the following Criminal Cases:

— of Rodolfo Montealto in No. 12063
— of Claro Monares in No. 12064
— of Edgardo Salili in No. 12065
— of William Alegre in No. 12066
— of Rovena Franco in No. 12067
— of Cesar Tejones in No. 12067
— of Juvely Jaravelo in No. 12070
— of Rodney Demigilio in No. 12071
— of Manuel Tan in No. 12072
— of Michael Dayanan in No. 12073
— of Maria Luz Mondejar in No. 12074
— of Aniano Ornopia in No. 12076
— of Nenita Orot in No. 12077
— of Johnny Suarez in No. 12078
— of Ronilo Sta. Ana in No. 12080
— of Angelina Lape in No. 12081

1) imprisonment for an indeterminate period ranging from a minimum of *seventeen (17) years and one (1) day* of *reclusion temporal* to a maximum of *reclusion perpetua* for EACH of the above sixteen cases;

2) to jointly pay indemnity to the heirs for the death of the above mentioned victims at P50,000.00 for each victim, or a total of P800,000.00;

3) to jointly pay moral damages to the heirs of the above victims at P20,000.00 for each victim of a total of P320,000.00;

B. *FOR FRUSTRATED MURDER* for the injuries sustained under the following Criminal Cases:

— No. 12039 by Buenaventura Jaravelo
— No. 12041 by Alejandro Bocabal
— No. 12042 by Elias Hermogenes
— No. 12046 by Luvimin Leones
— No. 12047 by Gloven Gabrido
— No. 12051 by Henry Sernal
— No. 12053 by Virgirita Mabuyao
— No. 12059 by Federico Dogomeo
— No. 12060 by Wenefreda Loquinario
— No. 12062 by Luzviminda Gemola

1) imprisonment for an indeterminate period ranging from a minimum of *eight (8) years and one (1) day* of *prision mayor* to a maximum of *fourteen (14)*

years, *ten (10) months and twenty (20) days* of *reclusion temporal* for EACH of the above ten (10) cases;

2) to jointly pay actual damages incurred only by the following victims, as follows:

Alejandro Bocabal (No. 12040) — P 800.00
Luzminda Gemola (No. 12062) — P 700.00

or a total of P1,500.00;
no other damage having been
actually proven at trial;

3) to jointly pay moral damages to the following victims:

Buenaventura Jaravelo (No. 12039) — P 10,000.00
Alejandro Bocabal (No. 12040) — P 10,000.00
Elias Hermogenes (No. 12042) — P 10,000.00
Luvimin Leones (No. 12046) — P 10,000.00
Gloven Gabrido (No. 12047) — P 10,000.00
Henry Sernal (No. 12051) — P 10,000.00
Virginita Mabuyao (No. 12053) — P 10,000.00
Federico Dogomeo (No. 12059) — P 15,000.00
Wenefrida Loquinario (No. 12060) — P 15,000.00
Luzminda Gemola (No. 12062) — P 10,000.00

or a total of P110,000.00.

C. *FOR ATTEMPTED MURDER* for the injuries sustained under the following Criminal Cases:

No. 12041 — of Celso Saburdo
No. 12043 — of Eduardo Latosa
No. 12044 — of Nelly Artajo
No. 12045 — of Renato Tapel
No. 12048 — of Joel Quiamco
No. 12049 — of Magdalena Hemola
No. 12050 — of Lucia Ravanes
No. 12052 — of Ernesto Caro
No. 12054 — of Renato Saratobias

No. 12055 — of Elisa Zarraga
No. 12056 — of Julio Iwayan
No. 12057 — of Nelson Cabahug
No. 12058 — of Felix Almonia
No. 12061 — of Abundia Caraat-Petrano

1) imprisonment for an indeterminate period ranging from a minimum of *four (4) years, one (1) month and one (1) day* of *prision correccional* to a maximum of *eight (8) years* of *prision mayor* for EACH of the above fourteen (14) cases;

2) to jointly pay actual damages incurred by the victims, as follows:

Celso Saburdo (No. 12041) — P 800.00
Renato Tapel (No. 12045) — P 300.00
Joel Quiamco (No. 12048) — P 15,000.00
Lucia Ravanes (No. 12050) — P 2,000.00
Renato Saratobias (No. 12054) — P 2,000.00
Elisa Zarraga (No. 12055 — P 300.00
Nelson Cabahug (No. 12057) — P 2,000.00
Abundia Petrano (No. 12061) — P 200.00

or a total of P22,600.00

3) to jointly pay moral damages to the victims at P5,000.00 for each of the victims in the fourteen cases or a total of P70,000.00.

These three accused, namely, Alfredo Alcalde, Eleuterio Ibañez and Genoroso Subayco are, however, ACQUITTED in the four murder cases (No. 12069, No. 12075, No. 12079 and No. 12082 charging the deaths of Alex Lobatos, Rodolfo Mahinay, Rogelio Magallen, Jr. and Norberto Locanilao, respectively) for failure of the prosecution to prove their guilt beyond reasonable doubt.

LET an *alias* warrant of arrest issue for the following accused who, up to this time, had eluded arrest:

1. Ex-Mayor Braulio Lumayno
2. Danilo "Nonoy" Jimenez
3. Pat. Lino F. Mercado
4. CHDF Teddy G. Magtubo
5. CHDF Elias Torias
6. CHDF Jose "Boy" Parcon
7. CHDF Jeremias Villanueva
8. CHDF Dante P. Diaz
9. CHDF Amador O. Villa
10. CHDF Antonio A. Cañete
11. CHDF Jimmy Mayordomo
12. CHDF Jerry L. Espinosa
13. CHDF Bernie C. Muñoz

14. CHDF Ernesto V. Olaera
15. CHDF Dione L. Sebreno, and
16. CHDF Alfredo M. Quinatagcan
alias Pidong Baguis.

In the meantime, the cases with respect to the above-named accused who remain at large shall be archived pending their arrest or voluntary submission to the jurisdiction of this Court.

SO ORDERED. [4]

Petitioners now come before us by way of *certiorari* raising the following issues:

1. Whether respondent *Sandiganbayan* committed serious error of law in convicting the petitioners based merely on alleged implied conspiracy to perpetrate the crimes charged and not on clear, positive and convincing proof of conspiracy; and

2. Whether respondent *Sandiganbayan* committed serious error of law in convicting the petitioners despite that the quantum of evidence required for a finding of guilt — that is proof beyond reasonable doubt — was not satisfied. [5]

The petition must fail.

The undisputed facts are summarized by the respondent court in its exhaustive Decision, as follows:

xxx xxx xxx

There was a rally held at Escalante, Negros Occidental that started on September 18, 1985. It was planned to go on until September 21, 1985, the anniversary of the proclamation of martial law by then President Marcos. This rally was participated in by members of the Bagong Alyansang Makabayan or BAYAN, the National Federation of Sugar Workers, the Kristianong Katilingban, the CYO, the KMU, the League of Filipino, Students, and others. It was spearheaded by the BAYAN whose leader at Escalante was Rolando Ponseca.

The rally was without permit from the local authorities, although the plan was not kept secret from them. In fact, this planned demonstration was taken up at a conference called by the Provincial Command and attended by the accused Capt. Sanson of the 334th PC Company stationed at Sagay, among other unit commanders. At that meeting, the operational guidelines were laid down on how to deal with the planned demonstration as well as with contingencies in connection therewith. The local command headed by Capt. Sanson had met with the leaders of the projected *Welga ng Bayan* in order to agree on ground rules for the conduct of the rally.

The *Welga ng Bayan* started as scheduled on September 18, 1985. It started with a torch parade that evening. The demonstrators came to Escalante and stayed, occupying the national highway in front of the Rural Banf of Escalante and the other converging point at the market site. By the 20th, the crowd was at its thickest. Estimates of the attendance therein ranged from 3,000 to 10,000.

At around noontime on that day, there were speeches delivered by speakers from among the demonstrators using the public address system on an improvised platform, addressing the crowd assembled in front of the Rural Bank. The crowd also shouted anti-Marcos and anti-military slogans, among others.

Capt. Sanson had been constantly apprised of the activities of the demonstrators by reports coming from Capt. Rafael Jugan, the Station Commander of the INP at Escalante. He was informed by the latter that the rallyists had failed to honor their commitment not to barricade the entire portion of the national highway so as not to obstruct traffic. He was likewise informed that the demonstrators were collecting money from passing motorists and that the demonstrators were becoming unruly.

Capt. Sanson in turn reported these pieces of information to the Provincial Command. As he was in charge of the area, Capt. Sanson took it upon himself to personally talk to Ponseca, when he believed that his Station Commander had failed to get in touch with Ponseca, to remind him of his commitment. After Ponseca had failed to effect a dispersal of the crowd or to open at least half of the road to allow passage to vehicles, he had prepared a dispersal operation and had called fire-fighting personnel and equipment from the towns of Sagay and Escalante, as well as from the cities of San Carlos and Cadiz. He had also summoned his men under Capt. Jugan of the Escalante INP, the CHDF headed by Sgt. Subayco and another team headed by Lt. Supaco.

After a last-ditch effort to peacefully disperse the crowd by Ponseca through a letter to the demonstrators in front of the Rural Bank had failed, the dispersal operation by Capt. Sanson began. Four firetrucks were dispatched to the crowd of demonstrators, two of them — the Cadiz and Escalante firetrucks — towards the demonstrators massed in front of the Rural Bank of Escalante. These hosed the demonstrators with water but even after the water from them had been exhausted, the demonstrators stayed put. Capt. Sanson then ordered the throwing of teargas to the demonstrators by two of his men, Amar and Mercado. The tear gas caused the demonstrators to lie face down on the ground; they persisted in their places rather than disperse. Then, a single shot rang out followed by successive gunfire from different directions. As one witness had described it, it was like New Year's Eve (TSN, February 7, 1994, testimony of accused CHDF Morante). This firing lasted for a few minutes.

Capt. Sanson had been heard by some of the witnesses to have shouted "Stop firing" repeatedly and, after some time, the firing had stopped, but not soon enough for men and women, from the rallyists' group who died and others who were wounded as a result of the gunfire. [6]

It was the thesis of the prosecution that the whole dispersal operation was an unlawful conspiracy, that the firing at the crowd was part of the dispersal operation, and that all those who took part in the dispersal operation should be held liable for each death and each injury that resulted therefrom. [7]

The accused denied the existence of conspiracy. Subayco and Ibañez claimed that they merely fired into the air but not toward the crowd. On his part, Alcalde admitted that he fired his weapon to prevent the rallyists from climbing the Cadiz City firetruck. [8]

In its Decision, the respondent court ruled there was no sufficient evidence to prove general conspiracy of the forty-five (45) accused as alleged by the prosecution. [9] It then examined the individual acts of the accused during the dispersal operation to determine their liability for the death

and injuries of the victims. It found implied conspiracy only on the part of all the accused who fired at the demonstrators.

Per finding of the respondent *Sandiganbayan*, the firing came from the Cadiz City firetruck and the jeep which witnesses referred to as a "weapons carrier". After the rallyists were hosed with water, the Cadiz City firetruck attempted to move back, but was trapped by the logs and rocks ostensibly put by the rallyists under its wheels. The "weapons carrier" was then maneuvered behind the Cadiz City firetruck. Thereafter, teargas canisters were lobbed at the rallyists. Jovy Jaravelo, a rallyist, picked up one of the canisters and threw it back where it came from. Hell broke loose. CHDF Alfredo Quinatagcan (a.k.a. Pidong Bagis) shot Jaravelo. Successive gunfire followed. Several witnesses saw the CHDF personnel and the PC men on board the Cadiz City firetruck and the "weapons carrier" fire their guns. Some fired into the air while the others directed their gun shots at the rallyists. When the dust settled down, twenty (20) of the demonstrators were dead, twenty-four (24) others were wounded and seventy-nine (79) empty shells were recovered from the scene of the crime. They were later traced to four firearms belonging to CHDF Cañete, CHDF Parcon, C2C Lerado and C1C Ibañez. [10]

The following were identified by witnesses to have fired their guns: CHDF Alfredo M. Quinatagcan *alias* Pidong Bagis, CHDF Elias Torias, CHDF Jimmy Mayordomo, CHDF Teddy Magtubo, CHDF Jeremias Villanueva, CHDF Jose "Boy" Parcon, Roming Javier, C1C Eleuterio O. Ibañez, T/Sgt. Generoso W. Subayco, C1C Alfredo Alcalde. [11]

On the basis of the evidence adduced and following its theory of implied conspiracy, the respondent Court held petitioners liable for the deaths and injuries of all the victims. [12] It is this finding of implied conspiracy that petitioners assail in the petition at bar.

Conspiracy exists when two or more persons come to an agreement concerning the commission of a felony and decide to commit it. It may be deduced from the mode and manner in which the offense was committed. The concerted acts of the petitioners to achieve the same objective signify conspiracy. [13] In the case of *People vs*. *Guevarra*, [14] we enunciated the doctrine of implied conspiracy as follows:

xxx xxx xxx

> Although there is no well-founded evidence that the appellant and Romero had conferred and agreed to kill Joselito, their complicity can be justified by circumstantial evidence, that is, their community of purpose and their unity of design in the contemporaneous or simultaneous performance of the act of assaulting the deceased.
>
> xxx xxx xxx
>
> There can be no question that the appellant's act in holding the victim from behind immediately before the latter was stabbed by Eduardo constitutes a positive and overt act towards the realization of a common criminal intent, although the intent may be classified as *instantaneous*. The act was impulsively done on the spur of the moment. It sprang from the turn of events, thereby *uniting the criminal design of the slayer immediately before the commission of the offense*. That is termed as *implied conspiracy*. The appellant's voluntary and indispensable cooperation was a concurrence of the criminal act to be executed. Consequently, he is a co-conspirator by indispensable cooperation, although the common desire or purpose was never bottled up by previous undertaking. (emphasis supplied)

We therefore uphold the respondent court in ruling that the following circumstances proved the existence of an *implied conspiracy* among the petitioners in the cases at bar:

> 1. After the Escalante firetruck exhausted its supply of water, it withdrew from the scene.
>
> 2. The Cadiz City firetruck took over hosing the crowd. It also ran out of water, tried to back out but was prevented by the logs and rocks strewn behind it.
>
> 3. The "weapons carrier" then moved behind the Cadiz City firetruck.
>
> 4. Teargas canisters were thrown into the crowd. Jovy Jaravelo, a rallyist, picked up one of the canisters and threw it back to where it came from. At this juncture, CHDF Alfredo Quinatagcan a.k.a. Pidong Bagis shot Jaravelo. Successive gunfire followed.
>
> 5. The seventy-nine (79) empty shells recovered from the scene of the crime were traced to four M-16 rifles issued to CHDF Cañete, CHDF Parcon, C2C Lerado and C1C Ibañez. Cañete and Parcon were on board the "weapons carrier" while Lerado and Ibañez were on board the Cadiz City firetruck.
>
> 6. The other personnel who were also on these two vehicles were also seen to have fired at the crowd.

All these circumstances intersect to show a community of purpose among the petitioners and their companions, that is, to fire at the demonstrators. This common purpose was pursued by the petitioners and their companions who used firepower against the rallyists. As proved, the plan to disperse the demonstrators did not include the use of guns, yet, petitioners and their cohorts did. At the first crack of gunfire coming from CHDF Alfredo Quinatagcan (a.k.a. Pidong Bagis), petitioners and their companions commenced firing at the demonstrators, as if on signal. They fired indiscriminately toward the demonstrators who were then already lying prone on the ground. There was no imminent danger to their safety. Not just one or a few shots were fired but several. The firing lasted a few minutes and cost the lives and limbs of the demonstrators. We agree with the respondent court that the collective acts of the petitioners and their companions clearly show the existence of a common design toward the accomplishment of a united purpose. [15] They were therefore properly convicted for all the crimes they were charged with.

The use of bullets to break up an assembly of people petitioning for redress of grievance cannot but be bewailed. It is bound to happen again for as long as abuses in government abound. Precisely to help put a brake on official abuses, people empowerment was codified in various provisions of the 1987 Constitution. It is high time to remind our officials that under our Constitution power does not come from the barrel of a gun but from the ballots of the people. It thus important to know the unexpurgated will of the people for in a republican government, it is the people who should truly rule. Consequently, the right of the people to assemble peacefully and to petition for redress of grievance should not be abridged by officials momentarily holding the powers of government. So we expressly held in the early case of *US v. Apurado*. [16]

> It is rather to be expected that more or less disorder will mark the public assembly of the people to protest against grievances whether real or imaginary, because on such occasions feeling is always brought to a high pitch of excitement, and the greater the

> grievance and the more intense the feeling, the less perfect, as a rule, will be the disciplinary control of the leaders over their irresponsible followers. But if the prosecution be permitted to seize upon every instance of such disorderly conduct by individual members of a crowd as an excuse to characterize the assembly as a seditious and tumultuous rising against the authorities, then the right to assemble and to petition for redress of grievances would become a delusion and a snare and the attempt to exercise it on the most righteous occasion and in the most peaceable manner would expose all those who took part therein to the severest and most unmerited punishment, if the purposes which they sought to attain did not happen to be pleasing to the prosecuting authorities. If instances of disorderly conduct occur on such occasions, the guilty individuals should be sought out and punished therefor, but the utmost discretion must be exercised in drawing the line between disorderly and seditious conduct and between an essentially peaceable assembly and a tumultuous uprising.

The Constitution did not engage in mystical teaching when it proclaimed in solemn tone that "sovereignty resides in the people and all government authority emanates from them." [1]7 It should be clear even to those with intellectual deficits that when the sovereign people assemble to petition for redress of grievances, all should listen, especially the government. For in a democracy, it is the people who count; those who are deaf to their grievances are ciphers.

Our affirmance of the conviction of the petitioners does not give complete justice to the victims of the Escalante massacre, subject of the cases at bar. Until today, sixteen (16) of the other accused have successfully eluded arrest by the authorities. Not until they have been arrested and tried will justice emerge triumphant for justice cannot come in fraction.

IN VIEW WHEREOF, the Decision of the *Sandiganbayan* promulgated October 3, 1994 is affirmed. Let copies of this Decision be furnished the Secretary of Justice and the Secretary of Interior and Local Government that they may undertake the necessary efforts to effectuate the early arrest of the other accused in the cases at bar. Costs against petitioners.

SO ORDERED.

Regalado, Romero, Mendoza and Torres, Jr., JJ., concur.

Footnotes

1 Section 4, Article III of the Constitution.

2 Decision of the *Sandiganbayan*, p. 1; *Rollo*, p. 33.

3 The *Sandiganbayan* dismissed the cases against him on January 29, 1987 upon confirming his death while in the United States.

4 *Sandiganbayan* Decision, First Division composed of PJ Francis Garchitorena *(ponente)*, and Justices Sabino R. de Leon, Jr., Minita V. Chico-Nazario (members) *Rollo*, pp. 119-123.

5 Petition, *Rollo*, p. 18.

6 *Sandiganbayan* Decision, *Rollo*, pp. 88-91.

7 *Sandiganbayan* Decision, *Rollo*, p. 94.

8 *Sandiganbayan* Decision, *Rollo*, p. 102.

9 *Sandiganbayan* Decision, *Rollo*, pp. 94-97.

10 *Sandiganbayan* Decision, *Rollo*, pp. 100-105.

11 All remained at large except petitioners.

12 *Sandiganbayan* Decision, *Rollo*, p. 105, 112-113.

13 People vs. Silong, 232 SCRA 487 (1994), *citing* People vs. Villanueva, 211 SCRA 403 (1992) and People vs. De la Cruz, 207 SCRA 632 (1992)

14 179 SCRA 334 (1989).

15 *See* People vs. Carizo, 233 SCRA 628 (1994).

16 7 Phil. 422.

17 Section 1, Article II.